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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,599	06/26/2001	Tatsuya Tsuyuki	210291US3	8671

22850 7590 09/22/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
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EXAMINER

GIBBS, HEATHER D

ART UNIT PAPER NUMBER

2622

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/888,599	TSUYUKI, TATSUYA	
	Examiner	Art Unit	
	Heather D. Gibbs	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/15/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on August 15, 2005. These drawings are acceptable.

Response to Amendment

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
3. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new grounds of rejection. Applicant argues Takano does not teach... or a space configured to receive a tool inserted therein, formed between an intermediated holding member and an image focusing lens holding member to separate the intermediate holding member and the image focusing lens holding member." Though the examiner respectfully disagrees, Allis et al (US 4,318,135) has been incorporated to disclose the above limitation in more precise detail.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2,6-10,12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takano (US 4,581,657) in view of Allis et al (US 4,318,135).

Regarding claim 1, which is representative of claims 6-8, Takano discloses a fixing structure comprising: an image focusing lens 9 holding member comprising a surface; an intermediate focusing lens member 6 configured to hold a solid state image forming device 10 onto the image focusing lens holding member, the intermediate holding member comprising a surface facing the surface of the image focusing lens holding member; and at least one projection portion formed on one of the surfaces of the image focusing lens holding member and the intermediate holding member, the at least one projection portion comprising a surface contacting through an adhesive material the other one of the surfaces of the intermediate holding member and the image focusing lens holding member (Col1 Lines 11-18; Figs 2-3; Col 3 Lines 10-19), wherein a space configured to receive a tool inserted therein, is formed between the intermediate holding member and the image focusing lens holding member to separated said intermediate holding member and said image focusing lens holding member (Col 3 Lines 67-68; Col 4 Lines 1-6; Fig 2).

Takano does not disclose expressly, according to applicant, wherein a space configured to receive a tool inserted therein, is formed between the intermediate holding member and the image focusing lens holding member to separated said intermediated holding member and said image focusing lens holding member.

Allis discloses wherein a space configured to receive a tool inserted therein, is formed between the intermediate holding member and the image focusing lens holding member to separated said intermediate holding member and said image focusing lens holding member (Fig 7).

Takano & Allis are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Allis with Takano.

The suggestion/motivation for doing so would have been to separate the intermediate holding member and the image-focusing lens holding member, as taught by applicant.

Therefore, it would have been obvious to combine Allis with Takano to obtain the invention as specified in claim 1.

Considering claim 2, Takano discloses wherein the image focusing lens holding member comprises an image focusing lens holding board portion configured to hold the image focusing lens, and a standing board portion standing from the image focusing lens holding board portion and configured to hold the solid state image forming device through said intermediated holding member, and the standing board portion comprising a light beam passing window configured to pass a light beam from said image focusing lens (Fig 2).

Regarding claim 9, Takano discloses an adhesive disposed between the projection and the surface of the other one of the intermediated holding member and the lens holding member (Col 3 Line 67- Col 4 Line 10).

For claim 10, Takano teaches wherein the at least one projection comprises a plurality of projections (Col 1 Lines 11-18).

For claim 12, Takano teaches a solid state-imaging device disposed in the intermediate holding member (Col 1 Lines 11-18).

For claim 13, Takano discloses a focusing lens disposed in the lens holding member (Fig 2).

For claim 14, Takano discloses a solid state-imaging device disposed in the intermediate holding member (Fig 2).

For claim 15, Takano teaches an adhesive disposed between the projection and the surface of the other one of the intermediated holding member and the lens holding member (Col 3 Line 67- Col 4 Line 10).

6. Claims 3-5, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takano '657 and Allis '247 in view of Miyahara et al (US 6,439,299).

Regarding claim 3, which is representative of claim 11, Takano and Allis disclose the fixing structure as discussed above.

Takano and Allis do not disclose expressly wherein at least three of said projecting portions are arranged at positions apart predetermined distances inside four corners of the surface of said image focusing lens holding member.

Miyahara discloses wherein at least three of said projecting portions are arranged at positions apart predetermined distances inside four corners of the surface of said image focusing lens holding member (Col 7 Lines 4-19).

Takano, Allis & Miyahara are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Miyahara with Takano and Allis.

The suggestion/motivation for doing so would have been to hold plate-like members at predetermined intervals.

Therefore, it would have been obvious to combine Miyahara with Takano and Allis to obtain the invention as specified in claim 3.

For claims 4-5, Takano discloses wherein the space is configured to receive the tool such that the tool contacts the surface of the projecting portion from a vertical and a horizontal direction (Col 3 Lines 4-34).

Priority

7. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 06/27/2000. It is noted, however, that applicant has not filed a certified copy of the 2000-192006 application as required by 35 U.S.C. 119(b).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

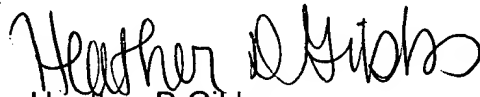
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hdg


Heather D Gibbs
Examiner
Art Unit 2622


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